

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 28 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ROBERT C. MUNOZ,

Petitioner,

TARLTON AND SON, INC.,

Intervenor,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

No. 16-71915

NLRB No. 32-CA-119054
National Labor Relations Board

ORDER

TARLTON AND SON, INC.,

Petitioner,

ROBERT C. MUNOZ,

Intervenor,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

No. 17-70532

NLRB No. 32-CA-119054

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

ROBERT C. MUNOZ,

Intervenor,

v.

TARLTON AND SON, INC.,

Respondent.

No. 17-70632

NLRB No. 32-CA-119054

The Clerk shall file Robert C. Munoz's opening brief and excerpts of record submitted on April 14, 2017.

The motion to strike a portion of the opening brief based on a lack of standing (Docket Entry No. 36), as well as the opposition thereto and the reply in support thereof (Docket Entry Nos. 37, 38), are referred to the panel that will be assigned to decide the merits of these consolidated petitions.

The opposed motion to hold these consolidated petitions in abeyance pending the Supreme Court's resolution of *Epic Sys. Corp. v. Lewis*, No. 16-285; *Ernst & Young v. Morris*, No. 16-300; and *NLRB v. Murphy Oil USA, Inc.*, No. 16-307 (Docket Entry No. 22) is granted. Further briefing in these consolidated petitions is stayed pending further order of this court.

Within 14 days after the Supreme Court's resolution of *Epic Sys. Corp. v. Lewis; Ernst & Young v. Morris*; and *NLRB v. Murphy Oil USA, Inc.*, the National Labor Relations Board shall file an appropriate motion in these consolidated petitions. If any party wishes to terminate the stay of these petitions before the Supreme Court's resolution of *Epic Sys. Corp. v. Lewis; Ernst & Young v. Morris*; and *NLRB v. Murphy Oil USA, Inc.*, that party may file a motion requesting such relief.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Alex Christopher
Deputy Clerk
Ninth Circuit Rule 27-7